

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION**

**MDL NO. 2724  
16-MD-2724  
HON. CYNTHIA M. RUFE**

**THIS DOCUMENT RELATES TO:**

***HUMANA INC. v. ACTAVIS ELIZABETH LLC  
et al.  
THE KROGER CO., et al. v. ACTAVIS HOLDCO  
U.S., INC. et al.***

**18-CV-3299**

**18-CV-284**

**[PROPOSED] ORDER**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 2019, upon consideration of Defendant Breckenridge Pharmaceutical, Inc.'s ("Breckenridge") Motion to Dismiss the Humana Inc. and Kroger Co. Complaints against Breckenridge, pursuant to Federal Rule of Civil Procedure 12(b)(6), the responses and replies thereto, and the arguments of counsel, and for the reasons set forth in the accompanying Opinion, it is hereby **ORDERED** that the Motions are disposed of as set forth herein.

1. Defendant Breckenridge's Motion to Dismiss Humana, Inc.'s Amended Complaint [No. 18-3299, Dkt. 29] is **GRANTED**. Counts LXXXVI, XC, and CVI-CX of Humana, Inc.'s Amended Complaint are **DISMISSED WITH PREJUDICE** as to Defendant Breckenridge;
2. Defendant Breckenridge's Motion to Dismiss the Kroger Plaintiffs' Complaint [No. 18-284, Dkt. 37] is **GRANTED**. Counts 1 and 28 of the Kroger Plaintiffs' Complaint are **DISMISSED WITH PREJUDICE** as to Defendant Breckenridge.

It is so **ORDERED**.

BY THE COURT:

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The Honorable Cynthia M. Rufe  
United States District Judge